

Deaf Litigants in Your Court

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Facts About Individuals Who Are Deaf

- Hearing loss affects about 28 million Americans
- 10% of the US population is deaf or hard of hearing
- Many deaf people use American Sign Language (ASL), a visible language which is very different from English
- Deafness is INVISIBLE

Some Myths Debunked

- Deaf people can drive
- Deaf people can get married
- Deaf people do not always have deaf children
- Most Deaf people can read
- Deaf people can be very well educated

Basic Communication Principles

- Communication with a deaf person involves sensitivity, common sense, and courtesy
- Deaf people use many ways to communicate; the situation determines the preference
- Effective communication is a joint responsibility of hearing and deaf people

Title II of Americans With Disabilities Act (ADA)

All state and local government agencies are obligated to be accessible to individuals with disabilities.

This law addresses obligations to remove communication barriers for deaf and hard of hearing individuals by furnishing appropriate auxiliary aids and services.

Type of Auxiliary Aids

- Qualified Sign Language interpreters
- Deaf interpreters
- CART Providers (real time captioners)
- Assistive listening devices and systems
- TTYs and telephone amplifiers compatible with hearing aids
- Open and closed captioning

Title II of Americans With Disabilities Act (ADA)

Who Decides type of Service?

Deaf and hard of hearing individuals know best what they need.

The regulations require the government agency to give “primary consideration” to the requests of the individual with disabilities.

Title II of Americans With Disabilities Act (ADA)

The court is obligated to provide service

Charges for accessibility cannot be passed on to the Deaf/H of H persons in your court

Role of the Interpreter

- **OFFICER OF THE COURT**
 - The interpreter works for you as much as anyone else
- **not an Ally**
 - They are not a friend or advocate for the Deaf person while in the role of interpreter

Typical Procedure

- Interpreter checks in with Clerk or Bailiff
- Interpreter should disclose prior knowledge of those involved
 - interpreters often know people from the deaf community
- Interpreter should be sworn in

Swearing the Interpreter

- The interpreter(s) should be sworn and qualified by the judge prior to beginning their work
- The Interpreter should show credentials (IIC or RID certification)

How Many Interpreters?

- This depends on the number of Deaf people involved and their role in the proceeding
- One interpreter can usually suffice in situations where:
 - the case takes less than two hours
 - the client is one Deaf person with an average education
 - the case is not complex

Need for Multiple Interpreters

- More than one interpreter may be needed in cases involving:
 - Divorce
 - More than one Deaf person
 - Deaf witnesses
 - Deaf members of the Jury
 - Deaf people in the audience

More Complex Situations

- Deaf clients with limited language skills often require a team of interpreters
- One skilled in minimal language communication (often a Deaf professional)
- One skilled in ASL/ English interpreting

Cultural Differences

- Be aware that Deaf people are also culturally different from the majority
- Deaf litigants may show excitement at having an interpreter present-- It is not an intentional disruption

Other Needs

- Real time captioning can be used with a Deaf person who prefers to read the text of what is discussed and perhaps does not use ASL
- Monitor Interpreter- sometimes a second interpreter is hired strictly to check on the quality of the interpreting services provided by either party's interpreter

Use of Unqualified Interpreters

- If an unqualified interpreter is used, it increases the likelihood that the case may be questioned later because of the quality of the interpretation
- Nationally Certified Interpreters are the safest to use in court

Family Members as Interpreters

- Strongly discouraged
- Generally, family members of Deaf clients do not make reliable interpreters for their family members
- There is a serious conflict of interest dilemma
- Such use can give room for questioning the interpreting process

What are the Requirements for Interpreters?

Deaf and Hard of Hearing Services requires interpreters to acquire the Indiana Interpreter Certificate (IIC) before they interpret for deaf and hard of hearing individuals for state agencies

DHHS suggests you do the same

Ask about certification

Who Monitors the IIC Program?

**Deaf and Hard of Hearing Services
is responsible for the IIC Program**

**The office issues certificates to
qualified interpreter and handles
grievance procedures**

Responsibility of IIC Interpreters

- Provide IIC identification before interpreting
- Comply with the Code of Ethics
- Relay the message effectively, accurately, impartially; both receptively and expressively

Guidelines for Using Interpreters

- Speak directly to the deaf person, not to the interpreter (avoid phrases like, “tell him” or “ask her”)
- Do not ask the interpreter to be a participant of the meeting
- Speak at a normal rate and use a natural tone of voice

Guidelines for Using Interpreters

- Expect the deaf person to be looking at the interpreter, not at you
- When the interpreter is working, the words you hear are the deaf person's thoughts, not the interpreter's
- The interpreter's role is to make ALL communication as equal as possible

Who is Responsible for the Cost of Providing Service?

The court is obligated to provide service

Charges for accessibility cannot be passed on to the Deaf/H of H persons in your court

How to Save the Court Money

- Give priority to the case that involves the Deaf person and the interpreter
- The interpreter will be done faster and the court will be more likely to save money
- Standard practice in Indiana is that interpreters work with a two hour minimum

Staff Interpreters

In larger centers, money could be saved and quality of service could be improved if there were court interpreter positions

Where Can You Find an Interpreter?

Call

**Deaf and Hard of Hearing
Services for a listing of agencies:**

(800) 962-8408

DHHS website:

<http://www.in.gov/fssa/dhhs/>



How to Schedule an Interpreter

- Once you call the Interpreting agency near you, you will need to provide:
 - Date and time you need an interpreter
 - Allow two or three weeks in advance
 - Location of assignment
 - Type of assignment

Any Questions?

Contact:

Deaf and Hard of Hearing Services

(317) 232-1143 or

1-800-962-8408

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